

AMENDMENTS TO THE DRAWINGS

Submitted herewith please find one (1) sheet (Figure 1) of a replacement drawing in compliance with 37 C.F.R. § 1.84. The Examiner is respectfully requested to acknowledge receipt of these drawings.

The submitted drawings are intended to replace the drawings previously submitted.

Attachment: Replacement Sheet

REMARKS

As a preliminary matter, the drawings submitted on July 10, 2009, are objected to based on the reasons set forth in the Office Action. Applicants submit the enclosed Replacement drawings and believe that the drawing objections should be withdrawn.

Claims 1-9 are all the claims pending in the present application.

The Examiner has issued the current Office Action in response to the RCE filed on June 5, 2008. Claims 1, 4, and 7 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Feldman (U.S. Patent No. 6,393,000). Claims 2, 3, 5, 6, 8, and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feldman in view of Thiesfeld (U.S. Patent No. 6,529,971).

§102(e) Rejection (Feldman) - Claims 1, 4, and 7

Claims 1, 4, and 7 are rejected based on the reasons set forth on page 3 of the present Office Action. Applicants traverse these rejections at least based on the following reasons.

Feldman is directed to a network station that receives a principal signal and data. When the principal signal is present or contains information it is transmitted to a receiving station through a communications channel. When the principal signal is absent or does not have significant information content, the network station transmits the data through the same communications channel in a format such that the data is received and output by a further receiving station. *See Abstract of Feldman.*

In summary, the Examiner substantially maintains his/her previously submitted arguments and does not substantially change those previous arguments.

Accordingly, Applicants maintain the previously submitted arguments in support of patentability. That is, Applicants maintain that Feldman does not disclose or suggest at least, “a

receiver (R) adapted to receive an information stream consisting of information cells, some of which can be empty,” and “a mixer (M) adapted to detect the empty information cells and replace them with waiting cells,” as recited in claim 1 (emphasis added). The Examiner alleges that the silence codes discussed in Feldman allegedly satisfy the claimed empty cells recited in the above-quoted features of claim 1. However, the silence codes do not correspond to empty cells. A silence code can be issued to reproduce silence or low level noise during a voice communication, when the principle signal is a voice signal. However, the silence code does not denote an empty cell.

Further, claim 1 recites that a relay comprises the claimed receiver, mixer, transmitter, and stream analyzer. The Examiner alleges that the network station 4 of Feldman corresponds to the claimed relay. However, the Examiner is being inconsistent in alleging that the comparator 25 allegedly corresponds to the claimed stream analyzer, as the network station 4 does not comprise the comparator 25; on the other hand, the claimed relay comprises, among other things, the stream analyzer.

Yet further, Applicants maintain that Feldman does not disclose or suggest at least, “wherein said relay further comprises a stream analyzer for determining if an information stream received by said receiver is a real-time information stream or a differed-time information stream cells in a mass memory and in that said mixer is adapted to choose said waiting cells from among the cells stored in said mass memory,” as recited in claim 1. The Examiner does not even mention determining whether an information stream received by a receiver is a real time information stream or a differed-time information stream. Further, upon Applicants’ review of Feldman, nowhere does Feldman disclose or suggest the above quoted feature of claim 1.

Yet further, Applicants maintain that in the absence of a specific definition for “empty cell” in the originally filed specification of the present application, the proper strategy should be for the Examiner to look at a dictionary definition of the word “empty”, and not look to a separate reference that could have a totally different definition of the term ‘empty cells’ than what is intended in the present application. As the Examiner is no doubt aware, an inventor is allowed to be his or her own lexicographer, therefore looking at a totally difference reference for a definition of ‘empty cells’ is not the proper strategy to broadly construe meanings of unknown terms. The proper strategy would be to look to a dictionary definition of the term at issue. In this case, a generally accepted dictionary, Merriam Webster online, indicates that the word empty can mean containing nothing. Therefore, the term empty cells, as used in claim 1, for example, should broadly be considered to be a cell that contains nothing (e.g., no data).

Based on the above-discussed understanding of a meaning of “empty cells”, Applicants maintain the arguments above that Feldman does not disclose or suggest at least, “a receiver (R) adapted to receive an information stream consisting of information cells, some of which can be empty,” and “a mixer (M) adapted to detect the empty information cells and replace them with waiting cells,” as recited in claim 1.

Therefore, at least based on the foregoing, Applicants submit that Feldman does not anticipate claim 1.

Applicants maintain that independent claim 4 is patentable at least based on reasons similar to those set forth above with respect to claim 1.

Applicants submit that dependent claim 7 is patentable at least by virtue of its dependency from independent claim 1.

Further, with respect to dependent claim 7, the Examiner simply alleges that the telecommunication equipment disclosed by Feldman is in a satellite environment. Further, the Examiner cites Fig. 1, and col. 5, lines 7-17 of Feldman. According to Applicants' understanding, the Examiner correlates the network station 4 of Feldman to the claimed relay which is used in telecommunication equipment comprising a satellite, according to claim 7. According to Applicants' review of Feldman, the network station 4 does not appear to be used in telecommunication equipment comprising a satellite. Simply because Feldman relates to a satellite environment does not necessarily mean that the specific features of claim 7 are satisfied. Accordingly, Applicants submit that Feldman does not anticipate claim 7.

§103(a) Rejections (Feldman/Thiesfeld) - Claims 2, 3, 5, 6, 8, and 9

Applicants submit that dependent claims 2, 3, 5, 6, 8, and 9 are patentable at least by virtue of their respective dependencies from independent claims 1 and 4. Thiesfeld does not make up for the deficiencies of Feldman.

Yet further, with respect to dependent claims 8 and 9, Applicants submit that neither of the applied references, alone or in combination, discloses or suggests at least, "said empty information cells are related to a difference between a needed bit rate and a reserved bandwidth," as recited in claims 8 and 9. To allegedly satisfy the features of claims 8 and 9, the Examiner simply talks about the general teachings of Feldman as being concerned with fair bandwidth allocation and transmission scheduling, and further agrees that voice communication silence codes are included. Yet further, the Examiner simply summarily alleges that one of ordinary skill in the art would readily realize that silence codes (alleged empty information cells) are related to a difference between needed bit rate and reserve bandwidth. There is nary a suggestion or teaching of such feature in any of the applied references. Accordingly, Applicants

maintain that claims 8 and 9 are patentably distinguishable over the applied references, alone or in combination.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

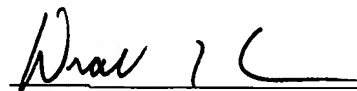
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